

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STEPHEN KENNEDY,
Petitioners,
-against-

MEDGEN, INC.,
Respondent.

ADOPTION ORDER
14-CV-5843 (ADS)(AYS)

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APPEARANCES:

Edward C. Greenberg, P.C.

Attorneys for the Plaintiffs

570 Lexington Avenue

19th floor

New York, NY 10022

By: Edward C. Greenberg, Esq.

Tamara L. Fitzgerald, Esq., Of Counsel

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U.S. DISTRICT COURT E.D.N.Y.

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LONG ISLAND OFFICE

NO APPEARANCES:

Medgen, Inc.

The Defendants

SPATT, District Judge.

On October 6, 2014, the Plaintiff Stephen Kennedy (the "Plaintiff") commenced this action against the Defendant Medgen Inc., (the "Defendant") for copyright infringement under 28 U.S.C. § 1338.

On July 2, 2015, the Plaintiff filed a motion for default judgment. On July 7, 2015, the Court referred the Plaintiff's motion to United States Magistrate Judge Anne Y. Shields for a report and recommendation as to whether the default judgment should be granted and, if so, whether damages should be awarded. In a Report and Recommendation dated January 8, 2016 (the "January 8 R&R"), Judge Shields recommended that a judgment of default be denied without prejudice, and with leave to renew upon submission of additional information

demonstrating that the Plaintiff owned a valid copyright image. On March 7, 2016, this Court adopted the January 8 R&R, denying the Plaintiff's motion without prejudice and with leave to renew.

On March 21, 2016, the Plaintiff renewed his motion for default judgment. On March 23, 2016, the Court referred the motion once again to Judge Shields.

On April 15, 2016, Judge Shields issued a report (the "April 15 R&R") recommending that the Court enter a default judgment against the Defendant, and that the Plaintiff be awarded \$5,400 in damages plus \$4,764.50 in fees and costs, for a total of \$10,164.50. Judge Shields further recommended that the Court enter a permanent injunction providing that "Medgen, its agents; servants; employees and all persons acting under its permission are permanently enjoined and restrained from infringing, in any manner, the image of Bob Doge that is the subject of this lawsuit."

It has been more than fourteen days since the service of the April 15 R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the April 15 R&R is adopted in its entirety. The Clerk of the Court is directed to enter a default judgment and a permanent injunction against the Defendant in accordance with the April 15 R&R, and to close this case.

SO ORDERED.

Dated: Central Islip, New York
November 5, 2016

s/ Arthur D. Spatt

ARTHUR D. SPATT
United States District Judge